

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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DAVID ATLEE PHILLIPS, :  
:  
PLAINTIFF, :  
:  
VS. : CIVIL ACTION NO. 81-1407  
:  
DONALD FREED, ET AL., : JUDGE RICHEY  
:  
DEFENDANTS. :  
-----X

DAVID ATLEE PHILLIPS, :  
:  
PLAINTIFF, :  
:  
VS. : CIVIL ACTION NO. 81-2578  
:  
LAWRENCE HILL & CO. : JUDGE JACKSON  
PUBLISHERS, INC., ET AL., :  
:  
DEFENDANTS. :  
-----X

WASHINGTON, D. C.

WEDNESDAY, MARCH 30, 1983

DEPOSITION OF

DAVID ATLEE PHILLIPS

THE PLAINTIFF, WAS RECALLED FOR FURTHER EXAMINATION BY COUNSEL  
FOR THE DEFENDANTS, PURSUANT TO RECESS, TAKEN AT THE LAW OFFICES

GAGLIARDI REPORTING COMPANY  
1348 Chetworth Court  
Alexandria, VA 22314  
836-8223

1 OF BIERBOWER & BIERBOWER, 1875 EYE STREET, N. W., SUITE 1275,  
2 WASHINGTON, D. C., BEGINNING AT 12:45 P.M., BEFORE JUDITH R.  
3 GAGLIARDI, A NOTARY PUBLIC IN AND FOR THE DISTRICT OF COLUMBIA,  
4 WHEN WERE PRESENT ON BEHALF OF THE RESPECTIVE PARTIES:

5 FOR THE PLAINTIFF:

6 MARK BIERBOWER, ESQUIRE  
7 BIERBOWER & BIERBOWER  
8 1875 EYE STREET, N. W.  
9 SUITE 1275  
10 WASHINGTON, D. C. 20006

11 FOR THE DEFENDANTS:

12 MELVIN L. WULF, ESQUIRE  
13 BELDOCK LEVINE & HOFFMAN  
14 565 FIFTH AVENUE  
15 NEW YORK, N. Y. 10017

16 ALSO PRESENT:

17 LEE S. STRICKLAND, ESQUIRE  
18 SPECIAL ASSISTANT U. S. ATTORNEY  
19 U. S. COURTHOUSE  
20 THIRD & CONSTITUTION AVENUE, N. W.  
21 WASHINGTON, D. C. 20001

22 LAUNIE ZIEBELL, ESQUIRE  
ASSOCIATE GENERAL COUNSEL  
CHIEF, LITIGATION DIVISION  
CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

PAUL KITTRIDGE, REPRESENTING  
DIRECTOR FOR OPERATIONS, CIA

LOUIS WOLF, JOURNALIST

1 Q WHAT DID THAT CONSIST OF ACTUALLY?

2 A IT CONSISTED PRIMARILY OF KNOWING WHAT WAS GOING  
3 ON IN AND AROUND THE CUBAN EMBASSY AND CONTINUING THE OLD JOB  
4 IN A SENSE IN ATTEMPTING TO THWART CUBAN ACTIVITIES, NOT  
5 JUST PROPAGANDA ACTIVITIES, BUT ESPIONAGE ACTIVITIES AND SO  
6 FORTH IN MEXICO AND IN THE REST OF LATIN AMERICA.

7 Q DO YOU REMEMBER, WAS THERE A SPECIFIC DAY OR DATE  
8 THAT YOU ACTUALLY WENT OVER FROM ONE ASSIGNMENT TO THE OTHER?

9 A THERE WAS NOT A SPECIFIC DAY OR DATE BECAUSE I KIND  
10 OF TAPERED OFF IN ONE JOB WHILE I WAS GOING INTO THE OTHER,  
11 BUT IT WAS ROUGHLY SEPTEMBER OF 1963.

12 Q AND YOU WERE IN CHARGE OF SURVEILLANCE OF THE CUBAN  
13 EMBASSY IN MEXICO, FOR EXAMPLE?

14 A YES.

15 Q WHAT WAS THE NATURE OF THAT SURVEILLANCE? WAS IT  
16 PHYSICAL SURVEILLANCE?

17 MR. STRICKLAND: OBJECTION.

18 BY MR. WULF:

19 Q WAS IT PHOTOGRAPHIC SURVEILLANCE?

20 MR. STRICKLAND: OBJECTION.

21 BY MR. WULF:

22 Q WAS IT ELECTRONIC SURVEILLANCE?

1 MR. STRICKLAND: OBJECTION.

2 BY MR. WULF:

3 Q WAS IT TELECOMMUNICATIONS SURVEILLANCE?

4 MR. STRICKLAND: OBJECTION.

5 BY MR. WULF:

6 Q WAS IT SIGENT SURVEILLANCE?

7 MR. STRICKLAND: OBJECTION.

8 THE WITNESS: THERE IS A 1910 LAW I COULD GO TO  
9 JAIL UNDER FOR ANSWERING THAT.

10 BY MR. WULF:

11 Q WELL, NOBODY TOLD YOU TO BRING A LAWSUIT, THEN I  
12 WOULDN'T BE ABLE TO ASK YOU THE QUESTIONS. SINCE YOU BROUGHT  
13 A LAWSUIT, I CAN ASK YOU THE QUESTIONS. IT'S NOT MY FAULT  
14 YOU ARE HAVING TO GO THROUGH ALL THIS. I DIDN'T BRING IT ON  
15 YOU. YOUR OWN SUFFERANCE.

16 SO THAT IS WHAT YOU DID FOR TWO YEARS, YOU KEPT  
17 AN EYE OUT ON CUBAN ACTIVITIES IN MEXICO, IS THAT HOW YOU  
18 PASSED YOUR TIME?

19 A YES, SIR.

20 Q DID YOU SEE ANY EVIDENCE OF LEE HARVEY OSWALD  
21 ENTERING THE CUBAN EMBASSY ANY TIME IN 1963?

22 A YES, I DID.

1 Q WHAT EVIDENCE DID YOU SEE THAT HE ENTERED THE CUBAN  
2 EMBASSY?

3 A EVIDENCE IN THE FORM OF REPORTS FROM A CUBAN EM-  
4 BASSY SOURCE THAT HE WAS INSIDE.

5 Q YOU HAD A SPY IN THE CUBAN EMBASSY, DID YOU?  
6 MR. STRICKLAND: OBJECTION.

7 BY MR. WULF:

8 Q YOU HAD A SOURCE IN THE CUBAN EMBASSY, DID YOU?  
9 MR. STRICKLAND: OBJECTION.

10 MR. WULF: HE JUST SAID HE HAD A SOURCE IN THE  
11 CUBAN EMBASSY SO HE'S JUST BLOWN IT.

12 MR. ZIEBELL: DO YOU WANT TO READ THE QUESTION AND  
13 ANSWER?

14 MR. WULF: NO, NO, JUST LEAVE IT THE WAY IT IS.  
15 ON THE RECORD HE SAID HE GOT IT FROM A SOURCE IN THE CUBAN  
16 EMBASSY. WHO WAS THAT SOURCE?

17 MR. STRICKLAND: IF THE REPORTER WOULDN'T MIND,  
18 WOULD SHE PLEASE READ BACK THE QUESTION AND ANSWER?

19 (THE RECORD WAS READ BY THE REPORTER.)

20 MR. BIERBOWER: I WOULD LIKE TO GET ON THE RECORD  
21 THE DISTINCTION THAT MR. PHILLIPS HAS JUST DRAWN.

22 MR. WULF: YOU CAN'T TESTIFY. I AM SORRY. THERE

1 IS NO QUESTION BEFORE HIM AND IF YOU WANT TO MAKE A DISTINCTION  
2 YOU CAN MAKE IT SOME OTHER TIME BECAUSE YOU CAN'T TESTIFY.  
3 HE IS TESTIFYING. I DIDN'T ASK HIM ANY QUESTION ABOUT  
4 DRAWING DISTINCTIONS, SORRY.

5 MR. BIERBOWER: I THOUGHT YOU JUST WANTED THE  
6 TRUTH IN THE MATTER.

7 MR. WULF: I ASSUME THAT THIS IS THE TRUTH IN THE  
8 MATTER, THAT HE GOT IT FROM A CUBAN EMBASSY SOURCE.

9 MR. STRICKLAND: SINCE YOU QUESTIONED THE OBJEC-  
10 TION OF THE UNITED STATES TO MAKE THE LAST OBJECTION --

11 MR. WULF: NO, I DON'T. I ACCEPT IT.

12 MR. STRICKLAND: I CAN HAVE THE REPORTER READ IT  
13 BACK. I WOULD HAVE THE RECORD SHOW THAT MR. PHILLIPS, WHEN  
14 THE SERIES OF QUESTIONS WERE READ BACK, THAT MR. PHILLIPS'  
15 COMMENT THAT "A SOURCE IN THE CUBAN EMBASSY," HE EXPLAINED  
16 THAT TO MEAN --

17 MR. WULF: WAIT A SECOND, MR. STRICKLAND. HE  
18 DIDN'T SAY ANYTHING LIKE THAT.

19 MR. STRICKLAND: WELL, LET HIM EXPLAIN IT.

20 THE WITNESS: MAY I SAY IT FOR THE RECORD?

21 MR. WULF: NO, YOU CAN'T SAY IT. YOU CAN ONLY  
22 ANSWER QUESTIONS WHICH I ASK YOU. I DON'T WANT THIS CLARIFIED.

1 I LIKE IT THE WAY IT IS. HOW'S THAT?

2 MR. STRICKLAND: WELL, OF COURSE, BUT YOU CALLED

3 INTO QUESTION AN OBJECTION MADE BY THE GOVERNMENT --

4 MR. BIERBOWER: I THINK WE CAN MOVE ON. ANYONE

5 READING IN THE CONTEXT OF THE DEPOSITION WILL GET THE PICTURE.

6 BY MR. WULF:

7 Q DID YOU SEE ANY PHOTOGRAPHIC EVIDENCE OF OSWALD'S

8 ENTERING THE CUBAN EMBASSY?

9 MR. STRICKLAND: OBJECTION.

10 BY MR. WULF:

11 Q DID YOU HEAR ANY ELECTRONIC EVIDENCE OR EVIDENCE

12 SECURED ELECTRONICALLY ABOUT OSWALD VISITING THE CUBAN

13 EMBASSY?

14 MR. STRICKLAND: OBJECTION.

15 BY MR. WULF:

16 Q DID YOU HAVE ANY AUTHORITY OVER SURVEILLANCE OF

17 THE EMBASSY OF THE SOVIET UNION IN MEXICO CITY?

18 MR. STRICKLAND: IS THE QUESTION DID HE HAVE AUTHOR-

19 ITY, SUCH AS WAS IT WITHIN HIS DUTIES?

20 MR. WULF: YES.

21 THE WITNESS: THE ANSWER IS NO.

22 BY MR. WULF:

1 Q WERE YOUR DUTIES IN 1963-1965 DEVOTED EXCLUSIVELY TO  
2 MAINTAINING CONTACT WITH OR COLLECTING INFORMATION ABOUT AC-  
3 TIVITIES OF THE CUBAN GOVERNMENT IN MEXICO?

4 A NO.

5 Q WHAT OTHER DUTIES DID YOU HAVE THAT PERIOD OF TIME?

6 A THE DUTIES THAT EMBASSY OFFICERS HAVE WHICH COME  
7 IN A VARIETY OF WAYS. FOR INSTANCE, DURING THE INAUGURATION  
8 OF A PRESIDENT CONGRESSMAN HALE BOGGS CAME TO MEXICO AND I  
9 HAD TO TAKE CARE OF HIM FOR TWO DAYS.

10 Q I AM NOT INTERESTED IN THAT AS A PROTOCOL OR YOUR  
11 SOCIAL LIFE, I AM TALKING ABOUT YOUR SUBSTANTIVE ACTIVITIES  
12 AS AN EMPLOYEE OF THE CIA. IF WE CAN CONFINE YOUR ANSWERS  
13 TO THAT I WOULD BE GRATEFUL INDEED.

14 A ALL RIGHT. THE ANSWER TO THAT QUESTION, NO, I  
15 HAD NO OTHER DUTY.

16 Q SO YOUR SUBSTANTIVE DUTIES WERE DEVOTED EXCLUSIVELY  
17 TOWARD DIRECTING INFORMATION, KEEPING AN EYE ON ACTIVITIES OF  
18 THE CUBAN GOVERNMENT IN MEXICO?

19 A THAT IS RIGHT.

20 Q ONLY IN MEXICO OR DID YOUR INTERESTS GO OUTSIDE  
21 THE BOUNDARIES OF MEXICO?

22 A MY INTERESTS WENT OUTSIDE THE BOUNDARIES, MY



1 THAT THAT HAPPENED.

2 Q WHERE WERE YOU PHYSICALLY, ACTUALLY?

3 A AT THAT TIME I WAS IN WASHINGTON.

4 Q YOU KNEW IT WAS COMING?

5 A ABSOLUTELY NOT.

6 Q DIDN'T THEY TELL YOU?

7 A NO. I LEARNED IT IN THE WASHINGTON POST ONE SUNDAY  
8 MORNING.

9 Q WHAT KIND OF BRIEFING DID THEY GIVE YOU UP THERE IF  
10 THEY DIDN'T EVEN TELL YOU YOU WERE GOING TO HAVE 22,000 AMERICAN  
11 TROOPS AT YOUR STATION? PRETTY POOR PREPARATION, I WOULD  
12 THINK.

13 A I WAS UNDER THE IMPRESSION THAT I WAS BEING ASSIGNED  
14 TO A VERY DULL TOUR AND THAT WAS THE KIND OF BRIEFING I GOT.

15 Q WHO BRIEFED YOU?

16 A DESMOND FITZGERALD WAS THE PRIMARY BRIEFER.

17 Q HE WASN'T DDO, WAS HE, OR WAS HE?

18 A HE WAS THE CHIEF OF LATIN AMERICAN OPERATIONS AT  
19 THE TIME.

20 Q THE JOB THAT YOU LATER GOT?

21 A YES, SIR.

22 Q AND HE DIDN'T WHISPER A WORD ABOUT OUR TROOPS GOING

1 DOWN THERE?

2 A I CAN ASSURE YOU IT WAS A SHOCK TO MR. FITZGERALD  
3 WHEN HE FOUND OUT THAT THAT MANY TROOPS WERE GOING DOWN.

4 Q HE DIDN'T KNOW EITHER?

5 A NO, SIR.

6 Q NOBODY IN THE CIA KNEW ABOUT IT?

7 A NO, SIR.

8 Q WAS THAT STRICT DEPARTMENT OF DEFENSE ACTION?

9 A NO. IT WAS STRICT WHAT WE CALL DEPARTMENTATION  
10 AT THE WHITE HOUSE BECAUSE LYNDON JOHNSON'S DECISION WAS  
11 UNEXPECTED TO OTHER ELEMENTS OF THE U. S. GOVERNMENT.

12 Q SO WHAT WERE YOU DOING IN THE DOMINICAN REPUBLIC  
13 FOR TWO YEARS? WHAT WERE YOUR DUTIES, WHAT WERE YOUR RESPON-  
14 SIBILITIES AND ACTIVITIES?

15 A THEY WERE THE NORMAL ACTIVITIES AND RESPONSIBILITIES  
16 OF A CHIEF OF STATION OVERSEAS, THAT IS, I SERVED AS THE  
17 SENIOR INTELLIGENCE ADVISER TO THE AMBASSADOR.

18 Q WHO DID WE INSTALL AS HEAD OF THE GOVERNMENT IN  
19 THE DOMINICAN REPUBLIC WITH OUR 22,000 SOLDIERS?

20 A WE DID NOT INSTALL ANYONE. IF I UNDERSTAND THAT  
21 YOU MEAN THE U. S. GOVERNMENT --

22 Q MY QUESTION IS TENDENTIOUS.

1 Q AND YOU DID IT SUCCESSFULLY, RIGHT? YOU PULLED OFF  
2 A MILITARY COUP, DIDN'T YOU?

3 A NO, SIR.

4 Q YOU DIDN'T?

5 A NO, SIR.

6 Q YOU MEAN THE CHILEANS PULLED IT OFF THEMSELVES  
7 WITHOUT YOUR HELP? WHAT DO YOU MEAN?

8 A ARE WE REFERRING TO 1970?

9 Q I AM SORRY. YES. EVENTUALLY YOU DID?

10 A NO, SIR.

11 Q WHO WERE YOU IN TOUCH WITH AT THE SANTIAGO  
12 CIA STATION?

13 A A SMALL NUMBER OF OFFICERS WHO WERE A PART OF THE  
14 TRACK II EFFORT.

15 Q DO YOU KNOW GORDON MC LENDON?

16 A YES, I DO.

17 Q WHO IS HE?

18 A GORDON MC LENDON IS A VASTLY RICH TEXAN.

19 Q WHAT HAS BEEN YOUR CONNECTION WITH HIM?

20 A DO YOU WANT THE ENTIRE HISTORY?

21 Q NOT EVERY JIT AND TITTLE, JUST IS HE A FRIEND OF  
22 YOURS OR DOES HE WORK FOR YOU?

1           A     I FIRST MET HIM IN 1939 WHEN I WAS A STUDENT AT  
2 WILLIAM AND MARY COLLEGE, CAME TO WASHINGTON, D. C. TO  
3 ATTEND A WEEKEND PROM AND HE WAS PRESENT.

4           Q     WELL, I THINK YOU TOLD ME MORE THAN I ACTUALLY  
5 WANTED TO KNOW. DID HE EVER DO ANY FAVORS FOR THE CIA,  
6 MR. MC LENDON?

7           A     NOT TO MY KNOWLEDGE.

8           Q     HAVE YOU KNOWN HIM ACROSS ALL THESE YEARS?

9           A     NO, SIR, AFTER WE MET AT THIS COLLEGE PROM AND  
10 HE OFFERED ME A RIDE BACK TO WILLIAM AND MARY AND I GOT IN HIS  
11 CAR AND SAID I WOULD BE DELIGHTED AND WHEN I WOKE UP I WAS AT  
12 YALE, I NEXT MET GORDON MC LENDON IN ABOUT 1977 WHEN HE  
13 BECAME A MEMBER OF THE ASSOCIATION OF FORMER INTELLIGENCE  
14 OFFICERS AND CAME TO ATTEND A CONVENTION. WE HAD A LOT  
15 TO TALK ABOUT SINCE WE GREW UP IN THE SAME PART OF TEXAS AND  
16 HE IS KIND OF A LEGENDARY CHARACTER IN TEXAS.

17          Q     WHAT QUALIFIED HIM TO JOIN AFIO?

18          A     BECAUSE HE SERVED DURING WORLD WAR II IN NAVAL  
19 INTELLIGENCE, HE WAS A JAPANESE LANGUAGE EXPERT.

20          Q     YOU ARE TELLING ME YOU DIDN'T SEE HIM BETWEEN 1939  
21 AND 1977?

22          A     NO, SIR.